**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.5607 OF 2007**

**Dated 20th March 2007**

**Between:**

Maheswari Mineral rep.by its Managing Partner
Sri P.Ramakrishna

…Petitioner

and

The Chief Enginer, R&B Department,
Erramanzil, Hyderabad & others.

…Respondents

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**O R D E R:**

The petitioner is a company, undertaking mining activity in East Godavari District. It extracts 'laterite' mineral, in Ventada village, and the same is to be transported to other places, through National Highway No.5. The approach road crosses through several villages. The petitioner submitted an application, dated 27.2.2007, under the Right to Information Act (for short "the Act), requiring the 3rd respondent, to furnish the particulars of the roads crossing through several villages. In compliance with the same, the 3rd respondent addressed a letter, dated 14.3.2007, stating *inter alia* that the road between Ommangi and Uttarakanchi villages belongs to Roads and Buildings Department, and that the two bridges at KM.16/6

and 19/8 are very weak, and cannot sustain the load beyond 16.2 tonnes. Petitioner states that the respondents are not permitting its vehicles, to pass on the roads, by pleading that the bridges are weak, and he seeks direction to the respondents, to enable it to ply the vehicles.

Heard learned counsel for the petitioner and learned Government Pleader for Roads and Buildings.

The petitioner intended to identify the road for the purpose of transporting mineral, from the place of mining, to the factory. An application was filed under the Act. Promptly, the 3rd respondent informed the petitioner that the road between the two villages in the stretch belongs to Roads and Buildings Department. Apart from seeking information about the length of the road, the petitioner wanted the particulars about the strength of the bridges. It was in this context that the 3rd respondent stated that the two bridges on the stretch referred to above, cannot sustain the load beyond 16.2 tonnes. Learned counsel for the petitioner submits that the vehicles being operated by the petitioner carry the load beyond 20 tonnes. Therefore, the question of the petitioner being permitted to ply the lorries, on such bridges, does not arise. Granting of such a permit would lead to a situation of damaging the entire road and collapse of the bridges.

Learned counsel for the petitioner submits that his client is prepared to meet the cost of strengthening of the bridges, to ensure flow of the vehicles. By any standard, this is a fair offer. The respondents have to consider the feasibility of strengthening the bridges, to enable the petitioner to ply the vehicles. For this purpose,

they shall have to prepare a plan and estimate for execution thereof. In case, the petitioner deposits the costs, the work of strengthening can be undertaken, in such a way, as not to cause any hindrance to the users of the road.

Hence, the writ petition is disposed of, directing that;

a) The respondents 2 and 3 shall prepare a plan and the cost thereof, for strengthening of the bridges at KM.16/6 and 19/8, within two weeks from the date of receipt of a copy of this order, and furnish the same to the petitioner.

b) On receiving the plan and estimate, the petitioner shall deposit the cost thereof.

c) As and when the petitioner deposits the amount referred to above, the respondents shall take necessary steps, to permit the petitioner to ply the vehicles over the road, duly taking steps, to strengthen it.

There shall be no order as to costs.

**20th March 2007**

Note: Issue C.C. by tomorrow.

(B/o)

PAN